

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	NO. CR05-381TSZ
)	
Plaintiff,)	ORDER GRANTING
)	MOTION TO CONTINUE
v.)	TRIAL DATE
)	
AKRAM ASWAD ALMUSSA, and)	
JOSHUA KEBEDE,)	
)	
Defendants.)	
_____)	

THIS MATTER comes before the Court on the motion of defendant, Akram Almussa, to continue the trial date. The government as well as co-defendant Joshua Kebede have indicated they do not object to the proposed continuance. The Court, having reviewed the Motion and Declaration of Counsel, and being otherwise fully advised, finds and rules as follows.

Defendant Almussa's new lawyer Robert Wayne entered an appearance on February 17, 2006. Trial is currently scheduled for March 20, 2006. As set forth in the motion and declaration, there is in excess of 10,000 pages of discovery. The discovery materials include reports of interviews with more than two dozen witnesses. Many of these witnesses have not yet been interviewed by the defense. Defendant Almussa has filed a waiver of his speedy trial rights in connection with this motion.

Based on these facts, the Court finds that a failure to grant the requested continuance would deny defendant Almussa reasonable time to obtain counsel of his choosing, and reasonable time for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(8)(B)(iv). The Court also finds that the ends of justice will be

1 served by continuing the trial date and that a continuance is necessary to ensure effective trial
2 preparation, and these factors outweigh the best interests of the defendants and of the public in a
3 more speedy trial with the meaning of 18 U.S.C. § 3161(h)(8)(A).

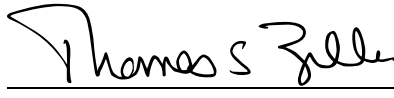
4 Defendant Josh Kebede has indicated through counsel that he does not object to the
5 continuance. In any event, since Kebede is joined in this matter with Almussa, any reasonable
6 delay as to Almussa is also excludable time as to Kebede pursuant to 18 U.S.C. § 3161(h)(7)

7 Based on the foregoing, now, therefore, it is hereby

8 ORDERED that the trial date be continued from March 20, 2006, to May 22, 2006. Pre-
9 trial motions shall be due on April 14, 2006.

10 ORDERED that the time between March 20, 2006, and May 22, 2006 shall be
11 excluded in the computation of time under the Speedy Trial Act as to all defendants as this
12 is a reasonable period of delay pursuant to 18 U.S.C. § 3161(h).

13 So Ordered this 24th day of February, 2006.

14
15 
16 Thomas S. Zilly
United States District Judge

17 Presented by:

18 ROBERT J. WAYNE, P.S.

19
20 By: /s/ _____
21 ROBERT J. WAYNE, WSBA No. 6131
22 Attorney for Defendant, Akram Almussa
(via telephone authority, 2/23/06)

23 JOHN McKAY
24 UNITED STATES ATTORNEY

25 /s/ _____
26 Vincent T. Lombardi, WSB # 21967
27 Assistant United States Attorney

28 /s/ _____

1 Brian Tsuchida, Assistant Federal Public Defender
2 Attorney for Defendant Josh Kebede
3 (by email authorization, 2/23/06)
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28